

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON**

ELTON E. BRYAN,

Petitioner,

v.

**NOTICE TO PETITIONER OF
FAILURE TO REMIT FILING FEE and
Correction of Clerical Error
CIVIL ACTION NUMBER 2:10-1196**

UNITED STATES OF AMERICA,

Respondent.

**TO: Elton E. Bryan, Petitioner
c/o Richard Neely, Esquire
NEELY & CALLAGHAN
159 Summers Street
Charleston, WV 25301-2134**

Please take notice that the Clerk of the United States District Court for the Southern District of West Virginia has filed a Petition for a Writ of Error Coram Nobis pursuant to Title 28, United States Code, § 1651, the All Writs Act, and assigned Civil Action No. 2:10-1196 thereto. The filing fee for this type of case is \$350.00.

Our records indicate that you have not remitted the filing fee and are, therefore, notified of its delinquency. Please submit payment within ten days following the date set forth below to: Clerk, U. S. District Court, 300 Virginia Street, East, Room 2400, Charleston, WV 25301. If you feel that you are unable to pay this fee, please complete the enclosed *Application to Proceed Without Prepayment of Fees* and send the completed application within ten days following the date set forth below to the same address.

In addition, please take notice that the Clerk has corrected the clerical errors in the cause and nature of suit codes on the face of the docket sheet to reflect that this is a filing pursuant to the All Writs Act and not a Motion to Vacate under Title 28, United States Code, § 2255. A copy of this Notice shall also be filed in the underlying criminal case, No. 2:93-00089-01. **All future filings are to be made in this civil action only and not in the criminal case.**

Date: October 21, 2010

TERESA L. DEPPNER, CLERK OF COURT

By: _____

Deputy Clerk

Enclosure

cc: R. Booth Goodwin, United States Attorney